the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-435

THEODORE RAY MELANCON, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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llowing a jury trial in the United States District rt for the Eastern District of Louisiana, pe- er was convicted on two counts of possession of gistered firearms, in violation of 26 U.S.C. 5861 and (i). He was sentenced to imprisonment for years with the provision that he be confined for months and execution of the remainder of his nce be suspended. The court of appeals affirmed lengthy opinion (Pet. App. 1-30).

Petitioner contends here that the affidavit in support of the search warrant failed to include all the information necessary to establish probable cause. He also argues that the search warrant was itself deficient because it did not describe the premises to be searched with sufficient particularity. These contentions are fully answered in the opinion below (Pet. App. 11-25), on which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

NOVEMBER 1972.

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